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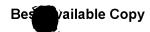
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Washington, D.C. 20231

	APPLICATION NO.	CATION NO. FILING DATE FIRST NAMED IN		ENTOR		ATTORNEY DOCKET NO.
	09/119.16	3 07/20/	98 LU		Z	HYP-043(4527
Γ	021323 TESTA HUR HIGH STRE	WITZ & THI	QM61/0208 BEAULT	QM61/0208 ¬	EXAMINER PASCHALL, M	
	125 HIGH STREET BOSTON MA 02110				ART UNIT	PAPER NUMBER
	BUDIUN MA	) NSIIN			3742  DATE MAILED:	02/08/99

Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner of Patents and Trademarks** 





## Office Action Summary

Application No. **09/119,163** 

Applicant(s)

Lu et al

Examiner

**Paschall** 

Group Art Unit 3742

<u> </u>		
Responsive to communication(s) filed on	·	
☐ This action is <b>FINAL</b> .		
☐ Since this application is in condition for allowance in accordance with the practice under <i>Ex parte Qua</i>	except for formal matters, prosecution as to the merits is closed ayle, 1935 C.D. 11; 453 O.G. 213.	
is longer, from the mailing date of this communication	on is set to expire3 month(s), or thirty days, whichever a. Failure to respond within the period for response will cause the . Extensions of time may be obtained under the provisions of	
Disposition of Claims		
	is/are pending in the application.	
Of the above, claim(s)	is/are withdrawn from consideration.	
Claim(s)	is/are allowed.	
☐ Claim(s)		
	are subject to restriction or election requirement.	
Application Papers		
☒ See the attached Notice of Draftsperson's Pater	nt Drawing Review, PTO-948.	
☐ The drawing(s) filed onis/	are objected to by the Examiner.	
$\square$ The proposed drawing correction, filed on	is approved disapproved.	
$\hfill\Box$ The specification is objected to by the Examiner	r.	
$\square$ The oath or declaration is objected to by the Ex	aminer.	
Priority under 35 U.S.C. § 119		
Acknowledgement is made of a claim for foreig	n priority under 35 U.S.C. § 119(a)-(d).	
☐ All ☐ Some* ☐ None of the CERTIFIED	copies of the priority documents have been	
☐ received.		
☐ received in Application No. (Series Code/		
*Certified copies not received:	from the International Bureau (PCT Rule 17.2(a)).	
Acknowledgement is made of a claim for dome		
Attachment(s)		
X Notice of References Cited, PTO-892		
☐ Information Disclosure Statement(s), PTO-1449	, Paper No(s)	
☐ Interview Summary, PTO-413		
Notice of Draftsperson's Patent Drawing Review		
☐ Notice of Informal Patent Application, PTO-152		
SEE OFFICE AC	TION ON THE FOLLOWING PAGES	

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#### **DETAILED ACTION**

### Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 2. Claims 1,2,4-10,12,13,15,16 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Ford.

Note that insert 2 may comprise tungsten which has a high emissivity.

### Claim Rejections - 35 USC § 103

- 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was

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commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Nemchinsky et al or Severance, Jr., in view of Ford. In view of Ford showing use of a ring shaped insert as conventional and leading to enhanced longevity, it would have been obvious to modify either Nemchinsky et al or Severance Jr. to use a ring shaped insert to enhance the longevity of the device. Note that Ford in column 5 lines 20-25 teaches use of a silver layer between the insert and the holder, as claimed. As per claim 20, use of a composite powder to form the insert is a matter of design choice.

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#### Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Walters, Johansson et al and Bykhovsky et al are cited for disclosing pertinent plasma torch electrodes.

6.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. H. Paschall whose telephone number is (703) 308-1642.

mp

January 29, 1999

MAH Poschall Mark Paschall Primary Examiner